

1 S.169

2 Introduced by Senators Sirotkin and Zuckerman

3 Referred to Committee on Agriculture

4 Date: January 5, 2016

5 Subject: Agriculture; education; farm to school

6 Statement of purpose of bill as introduced: This bill proposes to make multiple
7 amendments to the requirements of the Rozo McLaughlin Farm-to-School
8 Program (Program), including specifying the purpose and State goal of the
9 Program.

10 An act relating to the Rozo McLaughlin Farm-to-School Program

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 6 V.S.A. chapter 211 is amended to read:~~

13 CHAPTER 211. THE ROZO MCLAUGHLIN

14 FARM-TO-SCHOOL PROGRAM

15 § 4719. PURPOSE AND STATE GOAL

16 (a) Purpose. It is the purpose of this chapter to establish a farm-to-school
17 program to:

18 (1) encourage Vermont residents in developing healthy and lifelong

19 habits of eating nutritious local foods;

1 ~~(2) maximize use by Vermont schools of fresh and locally grown,~~
2 ~~produced, or processed food;~~

3 ~~(3) establish a nutrition education program that educates Vermont~~
4 ~~students regarding healthy eating habits through the use of educational~~
5 ~~materials, classes, and hands-on techniques that inform students of the~~
6 ~~connections between farming and the foods that students consume;~~

7 ~~(4) increase the size and stability of direct sales markets available to~~
8 ~~farmers; and~~

9 ~~(5) increase participation of Vermont students in school meal programs~~
10 ~~by increasing the selection of available foods.~~

11 ~~(b) State goal. It is the goal of the Farm-to-School Program to establish a~~
12 ~~food system that by 2025:~~

13 ~~(1) engages 75 percent of Vermont schools in an integrated education~~
14 ~~program that incorporates community-based learning; and~~

15 ~~(2) purchases 50 percent of food from local or regional food sources.~~

16 § 4720. DEFINITIONS

17 As used in this chapter, “Farm-to-School Program” means an integrated
18 education program that utilizes community-based learning opportunities to
19 connect schools with nearby farms to provide students with locally produced
20 fresh fruits and vegetables, dairy and protein products, and other nutritious,
21 locally produced foods in school breakfasts, lunches, and snacks; help children

1 ~~develop healthy eating habits; provide nutritional and agricultural education in~~
2 ~~the classroom, cafeteria, and school garden; and improve farmers' incomes and~~
3 ~~direct access to markets.~~

4 § 4721. LOCAL FOODS GRANT PROGRAM

5 (a) There is created in the Agency of Agriculture, Food and Markets the
6 Rozo McLaughlin Farm-to-School Program to award local grants for the
7 purpose of helping Vermont schools develop and sustain relationships with
8 local farmers and producers, enriching the educational experience of students,
9 improve the health of Vermont children, and enhancing Vermont's agricultural
10 economy.

11 (b) A school, a school district, a consortium of schools, or a consortium of
12 school districts may apply to the Secretary of Agriculture, Food and Markets
13 for a grant award to:

14 (1) fund equipment, resources, training, and materials that will help to
15 increase use of local foods in the School Food Service Program;

16 (2) fund items, including local ~~farm~~ food products, gardening supplies,
17 field trips to farms, and stipends to visiting farmers, that will help teachers to
18 use hands-on educational techniques to teach children about nutrition and
19 farm-to-school connections; and

20 (3) ~~provide~~ fund professional development and technical assistance, in
21 partnership with the Agency of Education and farm-to-school technical service

1 ~~providers, to help teachers and members of the farm to school community~~

2 educate students about nutrition and farm-to-school connections and assist
3 schools in developing a farm-to-school program.

4 (c) The Secretaries of Agriculture, Food and Markets and of Education and
5 the Commissioner of Health, in consultation with farmers, food service
6 workers, ~~and~~ educators, and farm-to-school technical service providers jointly
7 shall ~~jointly~~ adopt rules relating to the content of the grant application and the
8 criteria for making awards.

9 (d) The Secretary shall determine that there is significant interest in the
10 school community before making an award and shall give priority
11 consideration to schools and school districts that are developing farm-to-school
12 connections and education and that are making progress toward the
13 implementation of the Vermont ~~nutrition and fitness policy guidelines~~ School
14 Wellness Policy Guidelines developed by the Agency of Agriculture, Food and
15 Markets, the Agency of Education, and the Department of Health, ~~dated~~
16 ~~November 2005~~ updated in June 2015 or of the successor of these guidelines.

17 (e) No award shall be greater than \$15,000.00.

18 § 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD
19 AND MARKETS

20 (a) The Secretary of Agriculture, Food and Markets shall work with
21 existing programs and organizations to develop and implement educational

1 ~~opportunities for farmers to help them to increase their markets through selling~~
2 their products to schools and State government agencies and participating in
3 the federal food commodities program, including the federal Department of
4 Defense Fresh Program, and selling to regulated child care programs
5 participating in the ~~Adult and Child~~ and Adult Care Food Program.

6 (b) The Secretary of Agriculture, Food and Markets and the Secretary of
7 Education shall work with distributors that sell products to schools and State
8 government agencies to increase the availability of local products.

9 (c) For the purposes of this section and section 4723 of this title, the
10 Secretary may provide funds to:

11 (1) one or more technical assistance providers to provide farm-to-school
12 education and teacher training to more school districts and to assist the
13 Secretaries of Agriculture, Food and Markets and of Education to carry out
14 farmer and food service worker training; or

15 (2) farmers in the State who demonstrate the need to increase production
16 capacity for the purpose of supplying products to schools in the State that:

17 (A) are participating in the Rozo McLaughlin Farm-to-School
18 Program under this chapter; and

19 (B) plan to increase the amount of fresh local food used in the
20 school's nutritional program.

1 ~~§ 4723. PROFESSIONAL DEVELOPMENT FOR FOOD SERVICE~~

2 PERSONNEL

3 (a) ~~The Secretary of Education, in consultation with the Secretary of~~
4 ~~Agriculture, Food and Markets and the Commissioner of Health,~~ shall offer
5 expanded regional training sessions for public school food service personnel
6 and child care resource development specialists ~~as funds are made available.~~
7 Training shall include information about strategies for ~~purchasing~~ procuring,
8 processing, and serving locally grown foods, especially with regard to federal
9 procurement program requirements, as well as information about nutrition,
10 obesity prevention, coping with severe food allergies, and food service
11 operations. The Secretary of Education may use a portion of the funds
12 appropriated for this training session to pay a portion of or all expenses for
13 attendees and to develop manuals or other materials to help in the training.

14 (b) ~~The Secretary of Education shall train people as funds are made~~
15 ~~available to provide~~ training related to procurement and technical assistance to
16 school food service personnel and use a portion of the funds appropriated for
17 this purpose to enable the trained people to provide technical assistance at the
18 school and school district levels.

19 (c) Training provided under this section shall promote the policies
20 established in the Vermont ~~nutrition and fitness policy guidelines~~ School
21 Wellness Policy Guidelines developed by the Agencies of Agriculture, Food

1 ~~and Markets and of Education and the Department of Health, dated November~~
2 ~~2005~~ updated in June 2015, or the guidelines' successor.

3 § 4724. ~~LOCAL FOODS COORDINATOR~~ FOOD SYSTEMS

4 ADMINISTRATOR

5 (a) The position of ~~local food coordinator~~ Food Systems Administrator is
6 established in the ~~agency of agriculture, food and markets~~ Agency of
7 Agriculture, Food and Markets for the purpose of assisting Vermont producers
8 ~~to increase~~ in increasing their access to commercial markets and institutions,
9 including schools, ~~state~~ State and municipal governments, and hospitals.

10 (b) The duties of the ~~local foods coordinator~~ Food Systems Administrator
11 shall include:

12 (1) working with institutions, distributors, producers, commercial
13 markets, and others to create matchmaking opportunities that increase the
14 number of Vermont institutions that purchase foods grown or produced in
15 Vermont;

16 (2) coordinating funding and providing support to the farm-to-school
17 and farm-to-institutions programs within the ~~agency of agriculture, food and~~
18 ~~markets~~ Agency of Agriculture, Food and Markets, and coordinating with
19 interested parties to create matchmaking opportunities across the supply chain
20 that increase participation in those programs;

1 ~~(3) encouraging and facilitating the enrollment of state employees State~~
2 ~~employee access and awareness of opportunities for purchasing local food,~~
3 ~~including: enrollment in a local community supported agriculture (CSA)~~
4 ~~organization, purchasing from local farm stands, and participation in a~~
5 ~~downtown farmers' market;~~

6 (4) developing a database of producers and potential purchasers and
7 enhancing the ~~agency's website~~ Agency and partners' ability to improve and
8 support local foods coordination through the use of information
9 technology; and

10 (5) providing technical support to local communities with their food
11 security efforts.

12 (c) ~~The local foods coordinator~~ Food Systems Administrator, working with
13 ~~the commissioner of buildings and general services~~ Commissioner of
14 Buildings and General Services pursuant to rules adopted under 29 V.S.A.
15 § 152(14), shall:

16 (1) encourage and facilitate ~~CSA enrollment~~ awareness of and
17 opportunities to procure healthy local foods by ~~state~~ State employees through
18 the use of approved advertisements and solicitations on ~~state-owned~~
19 State-owned property; and

20 (2) implement guidelines for the appropriate use of ~~state~~ State property
21 for employee participation in CSA organizations, including reasonable

1 ~~restrictions on the time, place, and manner of solicitations, advertisements,~~
2 deliveries, and related activities to ensure the safety and welfare of state State
3 property and its occupants.

4 (d) The ~~local foods coordinator~~ Food Systems Administrator shall
5 administer a local foods grant program, the purpose of which shall be to
6 provide grants to allow Vermont producers to increase their access to
7 commercial and institutional markets.

8 Sec. 2. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2016.~~

Sec. 1. 6 V.S.A. chapter 211 is amended to read:

*CHAPTER 211. THE ROZO MCLAUGHLIN
FARM-TO-SCHOOL PROGRAM*

§ 4719. PURPOSE AND STATE GOAL

(a) Purpose. It is the purpose of this chapter to establish a farm-to-school program to:

(1) encourage Vermont residents in developing healthy and lifelong habits of eating nutritious local foods;

(2) maximize use by Vermont schools of fresh and locally grown, produced, or processed food;

(3) work with partners to establish a food, farm, and nutrition education program that educates Vermont students regarding healthy eating habits through the use of educational materials, classes, and hands-on techniques that inform students of the connections between farming and the foods that students consume;

(4) encourage youth involvement in the collection of excess fresh foods, known as gleanings, from farms, gardens, farmers' markets, grocers, and restaurants through classroom and cafeteria activities and educational materials regarding gleanings and nutrient management;

~~(4)~~ (5) increase the size and stability of direct sales markets available to farmers; and

~~(5)~~ (6) increase participation of Vermont students in school meal programs by increasing the selection of available foods.

(b) State Farm to School Network goal. It is the goal of the Farm-to-School Program to establish a food system that by 2025:

(1) engages 75 percent of Vermont schools in an integrated food system education program that incorporates community-based learning; and

(2) purchases 50 percent of food from local or regional food sources.

§ 4720. DEFINITIONS

As used in this chapter, “Farm-to-School Program” means an integrated food, farm, and nutrition education program that utilizes community-based learning opportunities to connect schools with nearby farms to provide students with locally produced fresh fruits and vegetables, dairy and protein products, and other nutritious, locally produced foods in school breakfasts, lunches, and snacks; help children develop healthy eating habits; provide nutritional and agricultural education in the classroom, cafeteria, and school community; and improve farmers’ incomes and direct access to markets.

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Rozo McLaughlin Farm-to-School Program to award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont’s agricultural economy.

(b) A school, a school district, a consortium of schools, ~~or~~ a consortium of school districts, or licensed childcare providers may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in the School ~~Food Service~~ Nutrition Program;

(2) fund items, including local farm food products, gardening supplies, field trips to farms, and stipends to visiting farmers, that will help teachers to use hands-on educational techniques to teach children about nutrition and farm-to-school connections; and

(3) ~~provide fund~~ professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, school nutrition personnel, and members of the farm-to-school community educate students about nutrition and farm-to-school connections and assist schools in developing a farm-to-school program.

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, ~~food-service workers~~ school nutrition staff, and educators, and farm-to-school technical service providers jointly shall jointly adopt ~~rules~~ procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools ~~and~~ school districts and licensed child care providers that are developing farm-to-school connections and education that indicate a willingness to make changes to their school or childcare nutrition programs that increase student access and participation and that are making progress toward the implementation of the Vermont ~~nutrition and fitness policy guidelines~~ School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of Education, and the Department of Health, ~~dated November 2005~~ updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than \$15,000.00.

§ 4722. FARM ASSISTANCE; SECRETARY OF AGRICULTURE, FOOD AND MARKETS

(a) The Secretary of Agriculture, Food and Markets shall work with existing programs and organizations to develop and implement educational opportunities for farmers to help them to increase their markets through selling their products to schools, licensed child care providers, and State government agencies ~~and participating in the federal food commodities program, including the federal Department of Defense Fresh Program, and selling to regulated child care programs participating in the Adult and Child Food Program~~ that operate or participate in child nutrition programs.

(b) The Secretary of Agriculture, Food and Markets shall work with distributors that sell products to schools, licensed child care providers, and State government agencies to increase the availability of local products.

§ 4723. PROFESSIONAL DEVELOPMENT FOR FOOD SERVICE PERSONNEL

(a) The Secretary of Education, in consultation with the Secretary of Agriculture, Food and Markets, the Commissioner of Health, and farm-to-school organizations and partners, shall offer ~~expanded~~ regional training sessions for public school food service and child care personnel and

child care resource development specialists ~~as funds are made available~~. Training shall include information about strategies for ~~purhasing~~ procuring, processing, and serving locally grown foods, especially with regard to federal procurement program requirements, as well as information about nutrition, obesity prevention, coping with severe food allergies, and food service operations. The Secretary of Education may use a portion of the funds appropriated for this training session to pay a portion of or all expenses for attendees and to develop manuals or other materials to help in the training.

(b) The Secretary of Education shall ~~train people as funds are made available to~~, with existing programs and organizations, provide training related to procurement of local food and technical assistance to school food service and child care personnel and use a portion of the funds appropriated for this purpose to enable the trained people to provide technical assistance at the school and school district levels.

(c) Training provided under this section shall promote the policies established in the Vermont ~~nutrition and fitness policy guidelines~~ School Wellness Policy Guidelines developed by the Agencies of Agriculture, Food and Markets and of Education and the Department of Health, ~~dated November 2005~~ updated in June 2015, or the guidelines' successor.

§ 4724. ~~LOCAL FOODS COORDINATOR~~ FOOD SYSTEMS ADMINISTRATOR

(a) The position of ~~local food coordinator~~ Food Systems Administrator is established in the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets for the purpose of assisting Vermont producers ~~to increase~~ in increasing their access to commercial markets and institutions, including schools, ~~state~~ licensed child care providers, State and municipal governments, and hospitals.

(b) The duties of the ~~local foods coordinator~~ Food Systems Administrator shall include:

(1) working with institutions, schools, licensed child care providers, distributors, producers, commercial markets, and others to create matchmaking opportunities that increase the number of Vermont institutions that purchase foods grown or produced in Vermont;

(2) coordinating funding and providing support to the farm-to-school and farm-to-institutions programs within the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets, and coordinating with interested parties to access funding or create matchmaking opportunities across the supply chain that increase participation in those programs;

(3) ~~encouraging and facilitating the enrollment of state employees~~ State employee access and awareness of opportunities for purchasing local food, including: enrollment in a local community supported agriculture (CSA) organization, purchasing from local farm stands, and participation in a farmers' market;

(4) ~~developing a database of producers and potential purchasers and enhancing the agency's website~~ Agency and partners' ability to improve and support local foods coordination through the use of information technology; and

(5) ~~providing technical support to local communities with their food security efforts.~~

(c) ~~The local foods coordinator~~ Food Systems Administrator, working with the commissioner of buildings and general services ~~Commissioner of Buildings and General Services~~ pursuant to rules adopted under 29 V.S.A. § 152(14), shall:

(1) ~~encourage and facilitate CSA enrollment awareness of and opportunities to procure healthy local foods by state~~ State employees through the use of approved advertisements and solicitations on state-owned State-owned property; and

(2) ~~implement guidelines for the appropriate use of state~~ State property for employee participation in CSA organizations, including reasonable restrictions on the time, place, and manner of solicitations, advertisements, deliveries, and related activities to ensure the safety and welfare of state State property and its occupants.

(d) ~~The local foods coordinator~~ Food Systems Administrator shall administer a local foods grant program, the purpose of which shall be to provide grants to allow Vermont producers to increase their access to commercial and institutional markets.

~~Sec. 2. UNIVERSAL MEALS PROGRAM, SCHOOL FUNDING~~

~~In addition to any other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2017 for the Farm-to-School Program, there is appropriated to the Farm-to-School Program at the Agency of Agriculture, Food and Markets \$80,000.00 for the purpose of executing, operating, and providing grants under 6 V.S.A. § 4721 to assist schools in developing universal meals programs when the schools are eligible for universal meals participation under federal school nutrition programs.~~

Sec. 52. 16 V.S.A. § 559 is amended to read:

§ 559. PUBLIC BIDS

(a) When the cost exceeds \$15,000.00. A school board or supervisory union board shall publicly advertise or invite three or more bids from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

(1) the construction, purchase, lease, or improvement of any school building;

(2) the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or

(3) a contract for transportation, maintenance, or repair services.

** * **

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

** * **

(4) nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract. Notwithstanding the monetary amount in subsection (a) of this section for which a school board is required to use a method of bidding or request for proposal, a school board is required to use a method of public bidding or request for proposal for purchases made from the nonprofit school food service account for purchases in excess of \$25,000.00, unless a municipality sets a lower threshold for purchases from the nonprofit school food service account;

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Sec. ~~4~~3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.